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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,861	12/18/2006	Philip J. Piszczak	PREZ 200457US01	5525
27885	7590	09/30/2010		
FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			EXAMINER MILLER, SAMANTHA A	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 09/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,861	<b>Applicant(s)</b> PISCZAK ET AL.	
	<b>Examiner</b> SAMANTHA A. MILLER	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,6,7 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,7 and 11-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/16/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: Claim 1 states “said air intake port including and air intake pipe” this does not make sense. Applicant seems to mean “said air intake port including an air intake pipe”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 states “said frame, on an exterior side” it is unclear what exterior side this is referring to or if it is suppose to say “said exterior” referring to the exterior side of the associated structure mention previously.

Claim 13 states “hinge pins symmetrically positioned on a first side and a second side of said frame”. However, this is not mentioned in the specification and Claim 16 states “said first side or said second side of said frame” which is what is shown in the specification and seems to be what applicant means.

For compact prosecution purposes these limitations will be interpreted as taught in the specification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-7, 11-12, 14-15, 17-26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over SUMIDA (6,108,202) in view of SCHIEDEGGER (6,359,220).

1. An enclosure frame (2) having access to an interior side (19) and access to an exterior side (at top of 3); a door (3) connected with an exterior side of said enclosure frame thereto (at 3c); and, a vent (from 9 to 10) defined by said enclosure frame, said vent having an air intake port (port 9 is connected to) and an air exhaust port (port 10 is connected to), said air intake port including and air intake pipe (9) and said air exhaust port including an air exhaust pipe (10) wherein adapted to allow ambient air flows in through said air intake pipe from said interior side of the said structure, through said housing and flows out through said air exhaust port to said interior side of the structure (col.4 ll.46-55).

7. The air intake pipe extends from an area below said frame up to said frame and said air exhaust pipe extends from said frame to an area above said frame wherein the ambient air flows via a chimney effect (Fig.1).

11. An enclosure frame (2), the said enclosure frame having access to an interior (to 19) and exterior sides (at top of 3) of the associated structure on opposite sides of the exterior wall; having an interior (thru 5) in fluid communication with said interior side

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of the said structure (to 19); and, said frame, on an exterior side (at top of 3), including a door (3) connected thereto for access to said interior from said exterior side of the said structure.

12. The frame includes a vent (in 5 from 9 to 10) adapted to allow ambient air from said interior side of the said structure to flow through said housing (1).

14. The vent includes an opening proximate to an upper end of said frame and an opening proximate to a lower end of said frame wherein the ambient air flows via a chimney effect (Fig.1).

SUMIDA teaches the invention above, however SUMIDA does not teach the frame extends through an exterior wall of the associated structure.

SCHIEDGGER teaches:

1. The frame (24) extends through an exterior wall (13) of the associated structure

6. The enclosure frame (24) is substantially within a wall (13) of the said structure.

11. A frame (24) located in an exterior wall (13) of an associated structure said frame extending through the exterior wall of the associated structure (Fig.2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the electrical equipment frame of SUMIDA to the wall of SCHIEDEGGER in order to efficiently protect the electrical equipment of a house.

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Regarding claims 15, 17-26, and 29 refer the rejection of claims 1, 6-7, 11-12, and 14.

Claims 13, 16, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over SUMIDA (6,108,202) in view of SCHIEDEGGER (6,359,220) in further view of KESSLER (6,788,786).

SUMIDA in view of SCHIEDEGGER teach the invention above, however SUMIDA in view of SCHIEDEGGER do not teach a hinged door or another door.

KESSLER teaches:

13. The door (24) includes hinge slots (at 54) and said frame includes hinge pins (54) symmetrically positioned on a first side or a second side of said frame (Fig.3), wherein said door is selectively pivotable about said first or said second side of said frame (Fig.3).

16. The frame (38) includes an exterior door (24) connected thereto, said door is selectively pivotable about said first (56) or said second side of said frame (Fig.3).

Regarding claims 27-28; an interior side including another door (75).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to door of SUMIDA in view of SCHIEDEGGER with the hinge and second door of KESSLER in order to efficiently open and close the interiors of spaces for maintenance of the electrical equipment.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller  
Examiner  
Art Unit 3749  
9/256/2010

/Steven B. McAllister/  
Supervisory Patent Examiner, Art Unit 3749